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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,545	08/29/2001	Lloyd Wolfinbarger JR.	58772.000004	5273

7590 01/13/2004  
Susanne M. Hopkins  
LifeNet  
5809 Ward Court  
Virginia Beach, VA 23455

EXAMINER

COMSTOCK, DAVID C

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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**Commissioner for Patents**

Response to Arguments:

The rejection in this application has been withdrawn because upon further consideration, the examiner has found that Lyle (5,061,286) does not provide sufficient teaching or motivation to arrive at the claimed subject matter. Lyle discloses bone powder, i.e. bone, that is freeze-dried (lyophilized) so that it can be advantageously stored under aseptic conditions (see col. 3, lines 36-42). However, Lyle does not in any way address the desirability or even the feasibility of freeze-drying bone that has been treated with a plasticizer or a mechanical strength-conserving agent. Instead, Lyle first freeze-dries bone powder, which is then combined with a plasticized mass of binding agent, and finally, molded as a coating onto a metal implant (see col. 5, lines 43-68). It is noted that the withdrawal of the rejection is not based on applicant's arguments, but rather, on the reasons set forth above.

Allowable Subject Matter:

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Comstock whose telephone number is (703) 308 8514.

D.C. Comstock  
January 12, 2004

KEVIN SHAYER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700